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COMMITTEE ON APPLICATIONS FOR REVIEW OF ADMINISTRATIVE TRIBUNAL JUDGEMENTS

VERBATIM RECORD OF THE 3rd MEETING

Held at Headquarters, New York,
on Tuesday, 12 February 1991, at 11.20 a.m.

Chairman: Mr. MIKULKA (Czechoslovakia)

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The meeting was called to order at 11.35 a.m.

The CHAIRMAN: The present public meeting of the Committee on Applications for Review of Administrative Tribunal Judgements has been convened pursuant to paragraph 4 of article VII of the rules of procedure of the Committee, contained in document A/AC.86/2/Rev.3. That paragraph provides as follows:

"The decisions of the Committee and the text of any questions to be addressed to the International Court of Justice, as well as the results of and the participants in any votes taken during the private deliberations, shall be formally announced in a public meeting, at which any member of the Committee may make a statement for the record."

The Committee on Applications for Review of Administrative Tribunal Judgements considered the application of Ms. Silveira at its closed meeting held on 11 February 1991.

After members of the Committee had presented their views on the application of Ms. Silveira, they were invited to decide whether or not there was a substantial basis for the application in respect of the following three grounds set forth in Article 11 of the Statute of the United Nations Administrative Tribunal and referred to in the application. First, has the Tribunal failed to exercise jurisdiction vested in it? Secondly, has the Tribunal erred on a question of law relating to the provisions of the Charter of the United Nations? Thirdly, has the Tribunal committed a fundamental error in procedure which has occasioned a failure of justice?

(The Chairman)

The response of the Committee to the question as to whether the application has a substantial basis on the ground that the Tribunal has failed to exercise jurisdiction vested in it was negative.

With regard to the second and third questions, at the request of a member of the Committee the decisions were taken by vote.

On the question of whether the application has a substantial basis on the ground that the Administrative Tribunal has erred on the question of law relating to the provisions of the Charter of the United Nations, the Committee decided by a vote of 23 to 1 with 3 abstentions that there was not a substantial basis for the application on that ground.

On the question of whether the application has a substantial basis on the ground that the Administrative Tribunal has committed a fundamental error in procedure which has occasioned a failure of justice, the Committee also decided by a vote of 20 to 2 with 4 abstentions that there was not a substantial basis for the application on that ground.

(The Chairman)

In view of the Committee's negative response to the questions which had been put to it in the application of Ms. Silveira, the Committee decided that there was not a substantial basis for the application under article 11 of the Statute of the Administrative Tribunal and that therefore the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 497 delivered by the United Nations Administrative Tribunal in the case of Ms. Silveira against the Secretary-General of the United Nations.

The Committee on Applications for Review of Administrative Tribunal Judgements, having examined the application of Mr. Lima at its meeting held on 11 February 1991, has decided without a vote that there was not a substantial basis for this application under article 11 of the Statute of the Administrative Tribunal and has therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 487 delivered by the United Nations Administrative Tribunal in the case of Mr. Lima against the Secretary-General of the United Nations.

The Committee on Applications for Review of Administrative Tribunal Judgements, having examined the application of Mr. Boluda at its meeting held on 11 February 1991, has decided without a vote that there was not a substantial basis for this application under article 11 of the Statute of the Administrative Tribunal and has therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 496 delivered by the United Nations Administrative Tribunal in the case of Mr. Boluda against the Secretary-General of the United Nations.

The Committee on Applications for Review of Administrative Tribunal Judgements, having examined the application of Mr. Liu at its meeting held on 11 February 1991, has decided without a vote that there was not a substantial basis

(The Chairman)

for this application under article 11 of the Statute of the Administrative Tribunal and has therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 490 delivered by the United Nations Administrative Tribunal in the case of Mr. Liu against the Secretary-General of the United Nations.

The Committee on Applications for Review of Administrative Tribunal Judgements, having examined the application of Mr. Omosola at its meeting held on 11 February 1991, has decided without a vote that there was not a substantial basis for this application under article 11 of the Statute of the Administrative Tribunal and has therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 484 delivered by the United Nations Administrative Tribunal in the case of Mr. Omosola against the Secretary-General of the United Nations.

The Committee on Applications for Review of Administrative Tribunal Judgements, having examined the application of Ms. Pappas at its meeting held on 12 February 1991, has decided without a vote that there was not a substantial basis for this application under article 11 of the Statute of the Administrative Tribunal and has therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 500 delivered by the United Nations Administrative Tribunal in the case of Ms. Pappas against the Secretary-General of the United Nations.

Does any member of the Committee wish to make a statement for the record?

Mr. SY (Senegal) (interpretation from French): In the case of Ms. Pappas, as in other cases, the delegation of Senegal went along with the decisions taken by the Committee out of respect for its rules of procedure as well as for the procedures underlying our method of work.

(Mr. Sy, Senegal)

Nevertheless, my delegation is rather disturbed by the number and frequency of cases involving sexual harassment and by the problems to which they give rise. We would therefore be very much inclined to encourage the Secretary-General, over and above all the rules and procedures, closely to examine this problem, which could undoubtedly constitute an obstacle to the sort of effectiveness that we seek in personnel matters.

Mr. MOSCHOPOULOS (Greece): I would just like to associate myself with the remarks and comments made by the representative of Senegal.

The CHAIRMAN: Since there are no further speakers, I announce that this concludes the work of the Committee on Applications for Review of Administrative Tribunal Judgements at its thirty-sixth session.

The meeting rose at 11.50 a.m.